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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CRIMINAL REVISION PETITION NO. 222/95  
*RAM SWAROOP Vs. STATE OF RAJASTHAN*

DATE: 19.01.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. Kapil Mathur for the accused-petitioner.  
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 26.04.95 passed by the Additional Sessions Judge, Baran in Criminal Appeal No. 58/90 and against the judgment dated 06.04.87 passed by the Judicial Magistrate First Class No.1, Baran in Criminal Case No. 567/83.

Vide judgment dated 06.04.87 the accused petitioner has been convicted under Sections 279 and 304-A IPC and sentenced to undergo simple imprisonment for three months and simple imprisonment for one year under Sections 279 and 304-A IPC respectively, against which the accused-petitioner preferred appeal, wherein the Additional Sessions Judge vide its judgment dated 26.04.95 while upholding the conviction of the accused-petitioner under Sections 279 and 304-A IPC, reduced

the sentence of one year S.I. under section 304-A to S.I. for six months and maintain the sentence under Section 279 IPC.

Considering the submissions made by the learned counsel for the accused-petitioner that the petitioner is facing trial since 1982 and had remained in custody and keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharashtra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659***, the accused-petitioner deserves to be let off on the period already undergone by him and in my considered view, if a fine of Rs. 1,000/- is imposed upon the accused-petitioner, it would meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Ram Swaroop S/o Shri Dhool Singh under Sections 279 and 304-A IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him with a fine of Rs. 1,000/-, in default of payment of fine the petitioner will have to undergo the sentence as awarded by the Appellate Court.

**(K. S. RATHORE), J.**

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